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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/560,493

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Yves-Michel Malecot

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PATENT GROUP GA030-43

Georgia-Pacific LLC

133 PEACHTREE STREET, N.E.

ATLANTA, GA 30303-1847

EXAMINER

CAMPOS, JR., JUAN J

ART UNIT

PAPER NUMBER

3654

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/560,493	Applicant(s) MALECOT ET AL.	
	Examiner Juan J. Campos	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-35 and 52-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-35 and 52-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2009 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The amendment filed on March 17, 2009 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Regarding claim 54, the specification and drawings do not disclose the opening being reduced until it is substantially flat (with regard to the claimed invention).

Applicant is required to cancel the new matter in the reply to this Office Action.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, “the roll has a center opening, said center opening being collapsed” (claim 52), “the roll has a center opening, said center opening being reduced” (claim 53), “the roll has a center opening, said center opening being reduced until it is substantially flat” (claim 54), must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure

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number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

- 3.** The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

- 4.** **Claims 52 and 53** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. These claims claim “the roll has a center opening, said center opening being collapsed”, and “the roll has a center opening, said

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center opening being reduced". This subject matter related to claimed invention is not disclosed in the specification.

5. **Claim 54** is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. These claim claims "the roll has a center opening, said center opening being reduced until it is substantially flat". This subject matter related to claimed invention is not disclosed in the specification.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 26-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morand (US Patent 5,577,634).**

8. **Regarding claim 26**, Morand discloses a paper towel dispenser for dispensing toweling from inside diameter of roll that comprises of a roll 1 without a winding tube (see figure 1) of paper toweling (considered by the examiner of comprising one sheet 7 of non-moist flexible material formed by rolling a sheet) with a spiral tail 9 (or center

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unwinding strip) forming a projection along an axis (see figure 1) in relation to at least one part of at least one side of the roll (again see figure 1). Morand does not disclose a projection along the axis in relation to at least one part of at least one side of the roll, the roll being wrapped in flexible packaging. At the time of the invention, it would have been obvious to a person of ordinary skill in this art to provide the roll of Morand with at least one part of the projection out at least one side of the roll, to provide a user friendly center feed unwinding roll. It is well known to commercially package rolls in a flexible packaging. Therefore, it would have been obvious to provide the roll of Morand in flexible packaging until use. Also, see column 4 lines 3-31.

9. Regarding claims 27 and 29-31, Morand, as modified above, further shows the roll of paper toweling (or a flexible material is an absorbent fibrous material), the spiral tail 9 (or first strip) comprises a portion of an internal end of sheet (see figure 1) and is formed by crosswise folding on the axis of portion of the internal end (see the folds of the spiral tail 9 unfolding in figure 1), and the spiral tail 9 having lines of perforations 5a (or tapered ends of the first strip), also see column 2 line 63 through column 3 line 2.

10. Regarding claim 28, Morand, as modified above, discloses the device as discussed above. Morand does not disclose the spiral tail 9 (or center unwinding strip) having a length of between 0.3 and 20 cm. At the time of the invention, it would have been obvious to a person of ordinary skill in this art to design, as a design choice to provide a long enough center unwinding strip, the spiral tail 9 (or center unwinding strip) to have a length of between 0.3 and 20 cm, to choose how much material of the spiral tail is dispensed when a person pulls material from the feeding out device of Morand.

11. Claims 26-27, 29, 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larsson et al. (US Patent 4,760,970).

12. Regarding claim 26, Larsson et al. (from here on just referred to as Larsson) discloses a feeding out device for a material web withdrawable from a roll comprising of a roll 14 without a winding tube (see figures 1, 4-5) of paper web 21 (considered by the examiner of comprising one sheet of non-moist flexible material formed by rolling a sheet) with an end part 22 (or center unwinding strip) forming a projection along an axis (see figures 1, 4-5) in relation to at least one part of at least one side of the roll (again see figures 1,4-5). Larsson does not disclose a projection along the axis in relation to at least one part of at least one side of the roll, the roll being wrapped in flexible packaging. At the time of the invention, it would have been obvious to a person of ordinary skill in this art to provide the roll of Larsson with at least one part of the projection out at least one side of the roll, to provide a user friendly center feed unwinding roll. It is well known to commercially package rolls in a flexible packaging. Therefore, it would have been obvious to provide the roll of Larsson in flexible packaging until use.

13. Regarding claims 27, 29, 32 and 34-35, Larsson, as modified above, further shows the roll 14 of paper web (or a flexible material is an absorbent fibrous material), the end part 22 (or center unwinding strip) comprises a portion of an internal end of sheet (see figures 1, 4-5), the end part 22 comprising an end portion (see and of end part sticking out of the roll 14 in figure 2) of the paper web projecting outward in relation

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to a deformation zone 26 (which has been provided by means by a groove or the like) made on the side of the roll (see figure 2) adjacent to the winding axis, the roll 14 where the end part 22 (or first strip) is mechanically reinforced by a U-formed spring wire 36 (or supplementary element, see figure 6), the roll 14, where the end part 22 (or first strip) comprises an bent arm 38 (or element) joined onto a portion of an internal end of the sheet, see figure 6. Also, see column 2 line 10 through column 3 line 31.

14. Regarding claim 33, Larsson discloses the device as discussed above in regarding claims 26-27, 29, 32 and 34-35, Larsson does not disclose the end part 22 (or center unwinding strip) visually reinforced by coloring. At the time of the invention, it would have been obvious to a person of ordinary skill in this art to design, as a design choice, the end part 22 (or center unwinding strip) to be reinforced by coloring. The motivation for the design choice would be to make is easier for a person to find the end part 22 when a person wants to withdraw material from the roll.

15. Claims 52-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morand (US Patent 5,577,634) as applied to claims 26-31 above, and further in view of Applicant's disclosure (see page 3 lines 16-21, page 4 lines 5-10, page 11 lines 16-19, and figure 1).

16. Regarding claim 52, Morand does not disclose where the roll has a center opening, the center opening being collapsed. The applicant's disclosure discloses a prior art roll with a roll opening, of figure 1, collapsed in the direction of the center (see

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page 3 lines 16-19 and page 11 lines 16-19, and figure 1). At the time of the invention, it would have been obvious to a person of ordinary skill in this art to collapse the opening so that the opening is collapsed, to reduce the volume of the roll.

17. Regarding claim 53, Morand does not disclose where the roll has a center opening, the center opening being reduced. The applicant's disclosure discloses a prior art roll with a roll center opening being reduced (see page 3 lines 16-19 and page 4 lines 5-10). At the time of the invention, it would have been obvious to a person of ordinary skill in this art to collapse the opening so that the opening is reduced, to reduce the volume of the roll.

18. Regarding claim 54, Morand does not disclose where the roll has a center opening, the center opening being reduced until it is substantially flat. The applicant's disclosure discloses a prior art roll with a roll center opening being reduced until it is substantially flat (see figure 1). At the time of the invention, it would have been obvious to a person of ordinary skill in this art to collapse the opening so that the opening is reduced until it is substantially flat, to reduce the volume of the roll.

19. Claims 52-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larsson et al. (US Patent 4,760,970) as applied to claims 26-27, 29, and 32-35 above, and further in view of Applicant's disclosure (see page 3 lines 16-21, page 4 lines 5-10, page 11 lines 16-19, and figure 1).

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20. Regarding claim 52, Larsson does not disclose where the roll has a center opening, the center opening being collapsed. The applicant's disclosure discloses a prior art roll with a roll opening, of figure 1, collapsed in the direction of the center (see page 3 lines 16-19 and page 11 lines 16-19, and figure 1). At the time of the invention, it would have been obvious to a person of ordinary skill in this art to collapse the opening so that the opening is collapsed, to reduce the volume of the roll.

21. Regarding claim 53, Larsson does not disclose where the roll has a center opening, the center opening being reduced. The applicant's disclosure discloses a prior art roll with a roll center opening being reduced (see page 3 lines 16-19 and page 4 lines 5-10). At the time of the invention, it would have been obvious to a person of ordinary skill in this art to collapse the opening so that the opening is reduced, to reduce the volume of the roll.

22. Regarding claim 54, Larsson does not disclose where the roll has a center opening, the center opening being reduced until it is substantially flat. The applicant's disclosure discloses a prior art roll with a roll center opening being reduced until it is substantially flat (see figure 1). At the time of the invention, it would have been obvious to a person of ordinary skill in this art to collapse the opening so that the opening is reduced until it is substantially flat, to reduce the volume of the roll.

Response to Arguments

23. Applicant's arguments with respect to claims 26-35 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

24. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Juan J. Campos whose telephone number is (571) 270-5229. The examiner can normally be reached on 9am-6pm (Monday-Thursday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Q. Nguyen can be reached on (571) 272-6952. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John Q. Nguyen/
Supervisory Patent Examiner, Art Unit 3654

/JJC/